

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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DAVID COOPER, #7743 \*

Plaintiff, \*

v. \* 2:06-CV-418-MHT

DR. NICHOLS, *et al.*, \*

Defendants. \*

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**ORDER ON MOTION**

Upon consideration of the motion for leave to file filed by Plaintiff on September 22, 2006 in which Plaintiff seeks leave to file a request for jury trial and as the demand for trial by jury is untimely (*see Rule 38(b), Federal Rules of Civil Procedure*), it is

ORDERED that the motion (Doc. No. 84) be and is hereby DENIED.

To the extent Plaintiff's September 22 pleading may be construed as a motion for leave to file a motion for issuance of subpoenas and as there is no reason to issue a subpoena in this matter, it is

ORDERED that the motion (Doc. No. 84 ) be and is hereby DENIED.

Upon consideration of the September 22 motion for leave to file in which Plaintiff seeks leave to file a motion for status, and for good cause, it is

ORDERED that the motion (Doc. No. 84) be and is hereby GRANTED.

Plaintiff is advised that this case is pending on his complaint, Defendants' written

report, and Plaintiff's opposition. Plaintiff is further advised that no additional pleadings are necessary to a determination of the issues presented herein, and he will be informed of any action undertaken by the court on his complaint.

Done, this 27<sup>th</sup> day of September 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE